

REMARKS

Claims 1-30 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

Group I, Claims 1-29, drawn to an endoscope having a determining device for determining a valid image, classified in class 600, subclass 160; and

Group II, Claim 30, drawn to an endoscope having multiple clocking speeds by which a storing device operates, classified in class 600, subclass 118.

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

Furthermore, the Official Action avers that Group I contains claims directed to the following patentably distinct species of validity determinance structures:

Species (1), claims 2, 5, and 14, in which a target image determining device determines whether or not the image is a target image;

Species (2), 3, 6, 7, 15, and 16, in which pixels having a specific color detecting device determines whether or not a threshold has been reached;

Species (3), 4 and 26-29, in which a determining device determines whether or not a certain compression ratio has been achieved;

Species (4), 8 and 17, in which a color distribution detecting device determines whether or not an error threshold has been reached;

Species (5), claims 9, 10, 18 and 19, in which an average luminance value calculating device determines whether or not a threshold has been reached; and

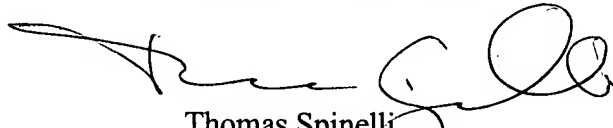
Species (6), claims 11 and 20, in which an image data difference calculating device determines whether or not a threshold has been reached.

It is also the Examiner's position that the species listed as Species (1)-(6) are patentably distinct from each other.

In response to the Examiner's requirements for restriction and species election, Applicant elects to prosecute the subject matter of Group I, and Species (2), which is readable on claims 3, 6, 7, 15, and 16, along with generic claims 1, 12, 13, and 21-25. However, Applicants reserve the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



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